

1882-039
Lee Co

Chancery Causes: John McDowell vs. Harvey M. Hall &c

Vermillion, Sims

1 Plat

CA-Estate Dispute
T-Property

To the Hon John A. Kelly Judge of the Circuit Court of
Lee County Virginia

Your Orator John M. Dwell humbly complaining
respectfully sheweth unto your Honor that one Robert Sims
who had never been married lately departed this life intestate
and ^{was} the owner of a valuable tract of land lying and being in
said Court, of Lee about 8 miles South west of the Court House
and on the North side of Powell's river

This tract of land at the death of said Robert Sims des-
cended to his brothers and Sisters who were then living and
to the descendants of such of them as were dead in the
regular course of descent.

By a Suit lately determined in your Honor's Court, brought
by Jane Hamblen a Sister of said Robert Sims, against the
Sims, and the other heirs at law of said Robert Sims, his
real estate before referred ^{to,} was partitioned among his
brothers and Sisters living, and the children of those who were
dead. And a copy of the Plot which accompanies the
reports of the Commissioners who made the partition thereof
under your Honor's direction in that suit is herewith
filed as a part of this bill marked exhibit (A)

By reference to said file your Honor will perceive that
lot No. 1 was assigned to Margaret Sims, No. 2 to W. Sims,
No. 3 to Campbell's heirs, No. 4 to the heirs of Allie Hyman, No. 5

to the heirs of John Sims, N^o. 6. to the heirs of Elizabeth Adams, N^o. 7. to Jane Hamblen, and N^o. 8. to Lucy Tratter.

Your Orator further states that he has become the owner by purchase from Lucy Tratter and her husband of said lot N^o. 8. as will appear by their original deed herewith filed marked exhibit (B)

Your Orator further states that by deed bearing date Decr. 10 1880 and acknowledged by Jane Hamblen Augt. 16-1881 and herewith filed marked (C), that he has become the owner by purchase from her of said lot N^o. 7. And by this paper, and another deed herewith filed marked (D) it will be seen that your Orator has become the owner by purchase from the heirs of John Sims of six sevenths of said lot N^o. 5.

Your Orator further states that the heirs of Elizabeth Adams died to whom said lot N^o. 6. was assigned were Minerva Vermillion wife of Douglas I. Vermillion, Elizabeth Caldwell wife of Stephen J. Caldwell, Martha Latham wife of W. L. Latham, Catharine James, widow of Jesse James died, Margaret Adams, Belina Adams, and Alexander Adams.

Your Orator further states that since said assignment was made the said Minerva Vermillion has departed this life leaving the following children her heirs at law to wit William¹, John², Elizabeth³, Martha⁴, Nancy⁵, Erwin⁶, and George⁷ Vermillion to whom the fee simple of the said Minerva's interest in said lot N^o. 6. descended, subject to the custody of the said Douglas I. Vermillion during his life.

Your Orator further States that the said Douglass J. and his children, William, John, Elizabeth, Martha, Nancy, Edwin and Georgiann Vermillion are all now residents of the state of Virginia and the five last named children are minors under the age of 21 years.

Your Orator further states that he has become the owner by purchase of two sevenths of said lot No. 6. as will fully appear by reference to two deeds herewith filed marked E & F. by the first of which the said Stephen J. Bowditch & wife Elizabeth convey their interest to him, and by the second the said Alexander Adams conveys his interest therein to your Orator.

Your Orator further States that one Harvey M. Hall has become the owner by purchase of five sevenths of said lot No. 6. He has bought out the following interests as your orator is informed and believes to wit the interest of Martha Latham and her husband W. R. Latham the interest of Bathsheba James, the interest of Margaret Adams and the interest of Belina Adams. From this statement of the facts Your Honor will see that said lot No. 6 now belongs to the heirs of Meriwether Vermillion said H. M. Hall and Your Orator in the proportions already stated.

From what has now been stated your Honor will see that your Orator owns land lying both on the north and south sides of said lot No. 6.

Your orator is advised that under the law of the land, he is entitled to have said lot No. 6 partitioned between himself, said Harvey M. Hall and the heirs of said Minerva Vermillion dead, And he is further advised that a court of equity will if the same can be done without prejudice to the rights of the other share holders lay off and assign to your orator his two shares in a body together and your ^{orator} states that the same can be done without injury or injustice to others, And to attain such partition is the object of this suit. Your orator's prayer therefore is that the said Harvey M. Hall, Douglas I. Vermillion, William Vermillion, John Vermillion, Elizabeth Vermillion, Martin Vermillion, Nancy Vermillion, Ervin Vermillion and Georgiann Vermillion be made defendants to this bill and required to answer the same fully in Oath, that an order of publication be made posted and published against the said Douglas I. William, John, Elizabeth, Martin, Nancy, Ervin and Georgiann Vermillion, that a guardian ad litem be appointed to answer and defend the interest of the last mentioned five ^{who are} infants in this suit, And that upon a hearing of the cause a decree be entered directing partition to be made of said lot No. 6. between your orator and the defendants hereto And that commissioners be appointed to make such partition, with directions

to assign two shares of lot No. 6 to your Orator 4 shares to
the said Harvey M. Hall and one share to the heirs of said
Minerva Vermillion decd. subject to the custody of Douglas
J. Vermillion, And that if the same can be done without
injury to the other shares, that said Commissioners be directed
to assign your Orator two shares in a body together
out of the north side of said lot No. 6 and adjoining lot
No. 5 as shown on said Plot, And your ^{Orator} further prays
for all general and special relief Mer, the Commission^{ers} at the
with of Sp^a issue directed &c.

Ayers & Morgan for Caff

John M. McDowell

vs. { Bill

Harry M. Hall & others

1882 January 11. Bill filed

" Feb. 1. Sp. App. by respondent
D. N. J. Westcott appointed
Att. Gen. for infant. Left for
answer filed.

" Mr. - Out Court C. P. and
and set for hearing by Judge

1882. March Decree & Court of

for Decree final

6 39.94

5.00

15.00

5.00

1.50

5.00

140.44

John. McDowell

vs

Plff

In chcy

H. M. Hall et al Defts

To the Hon. Jm Kelly Judge of the
Circuit Court of Lee County Virginia,

The seperate answer of John, Elizabeth, Martha, Nancy, Edwin and Georgian Vermillion, infants &c to a bill filed in this Honorable court against them et al by John McDowell, by J. A. G. Hyatt their Guardian ad litem. Respondent saving the benefit of all just and proper exceptions for answer thereto, or so much thereof as he is advised is material for him to answer. Answering he says —

So far as he is capable of judging the plaintiff has correctly set forth the facts in his bill — Respondent knows of no reason why said lands should not be partitioned, But his wards being of tender years and incapable of advising in regard to their best interest and legal rights, he throws them upon the tender mercies of this Hon. Court, the peculiar Guar. of Infants, Having now fully answered he prays hence to be dismissed with his costs.

J. A. G. Hyatt Guar. ad

Sworn to before me

Notary &c

March 6th 1882.

John R. Gibson clerk
of Lee County Court.

John M. Cornell
vs ³ ₃ Bus. & A. L.

H. M. Hall et al

Filed at Feb Rules 1882.

J. A. G. Hyatt clk

Fee to J. A. G. Hyatt Esqr
ad litem \$5.00.

John M^c Dowell Peff
 vs } In Chy.
 Harvey M. Hall & others Defts.

This Cause came on again to be further heard on the papers formerly read, and the report of Eli Davis Wright Stickley and George Holliday the commissioners appointed at the last Term to partition and divide the lot of land in the bill mentioned between the Peff and the defendants, and was argued by counsel, and the said report being unaccepted^{to}, and having been filed in the clerks office more than 10 days before the commencement of the present Term. On consideration thereof it is adjudged Ordered and decreed that the said report of partition and the plot accompanying the same, be and they are hereby confirmed. Pursuant thereto it is further adjudged ordered and decreed that the plaintiff John M^c Dowell take and hold ^{the two sevenths} free from the claim of the defendants the lot of land marked No. 1 on the plot, according to the notes and bounds as set out in said report. That the defendant^{Harvey M. Hall} take and hold the fourth sevenths allotted him free from the claim of the Peff, and ^{the other} defendants, and marked on the plot as lot No. 2 and according to the notes and bounds set out in said report. That the heirs of Meriwyn Tremain do take and hold the one seventh of lot No. 6. allotted them free from the claim of the plaintiff and defft Hall, and marked on said plot as lot No. 3 according to the notes and bounds as set out in said report. And it is further adjudged that the plaintiff pay two sevenths of the costs of this suit, and that he recover against the defendant H. M. Hall four sevenths of said costs, and against

Wm. McGill

W. H. Case for Junior

Henry H. Hartsness

1/16 - 2000-2001

11th Nov 1881

Enclaves
Sept 15
Sept 7/82

John M. Crowell

or {Lecroan

Thomas H. Crowell

Entered P. 28443

State of Maryland

Entered the same

J. C. K.

Mar 21/82

Virginia

At a Circuit Court Continued and held
for Lee County at the Court House, Tuesday April 1st 1852.

John M. Corbett Plff)
vs) In Chancery
Harcy M. Hall, (Defts)

1. 2. 3. 4 On Consideration thereof it is
adjudged, ordered and decreed that Eli
Davis, Wright Stickley, and George Holman
be appointed Commissioners to make said
partitions who are directed to assign to the
Plaintiff two sevenths of said lot No 6, quantity
and quality as aforesaid, four sevenths to the said
H. M. Hall, and one seventh to the heirs of Harman
Commission, and in doing so, said Commissioners
will assign to the Plaintiff his two shares in
a body together off of the north side of said
lot No 6 adjoining lot No 5 now owned
by him if they can do so, without prejudice
to the other defendants, and they will also as-
sign to the defendant Hall his four shares
in a body together if the same can be done
without injury to the others, Said Com-
missioners will report their action to the
Court and the Cause is Continued.

A Copy Test:

J. S. Hyatt

Clerk

W. C. Dowell, Hall & others,

John M. [unclear]
no. 1 copy of record

H. M. [unclear] et al

no. 100 [unclear] Wright
Stickley and George
Holiday except
as service of the
writing.

1000 [unclear]

Geo. [unclear]

accepted

Wright Stickley

Eli [unclear]

I do Swear that Douglas Tennill, Wm Tennill
John Tennill, Elizabeth Tennill, Martha Tennill
Nancy Tennill, Esra Tennill, and Georgeann Ten
nill are all now residents of the State of W. Va.
John McSorrell

Sworn to and Subscribed by Wm. McNeill June 10 1862
Henry J. Morgan Clerk

Mr. H. D. Doughty

as agent

H. H. Hall Esq.

1)
Pursuant to an order of the Hon. Circuit Court of Lee County Va. dated April 1st 1882, in the Chancery Cause of John Mc. Dowell Plaintiff vs. H. M. Hall et als. Defts.

We, Eli Davis, Wright Stickley and George Holiday proceeded on the 20th day of April 1882 to examine, survey and partition a lot of the Robert Sims land on Powell's river containing 22 Acres. among the several lawful owners in the following manner:

We first laid off and assigned to the Plaintiff, ^{Jno. Mc. Dowell,} on the north side of the lot two-sevenths in value according to our judgment, in one body estimated to contain $5\frac{1}{4}$ acres, and marked, ^{No. 1,} on the plat hereunto annexed, and bounded as follows:

Beginning at a rock and running thence with a line of said Mc. Dowell's land S. $86\frac{1}{4}^{\circ}$ E. 230 poles to the said river; thence down it $3\frac{3}{4}$ poles to a stake; thence N. $86\frac{1}{4}^{\circ}$ W. 230 poles to a rock; thence N. $14\frac{1}{2}^{\circ}$ W. $3\frac{3}{4}$ poles to the beginning.

2)

We then assigned to the Deft. H. M. Hall four seventh in value, in our judgment, in one body in the lot marked No. 2, estimated to contain $12\frac{1}{2}$ acres, and bounded as follows: Beginning at a rock and running thence with a line of the first described lot, and nearly with a newly marked line S. $86\frac{1}{4}^{\circ}$ E. 230 poles to a stake on the bank of the river and down it $8\frac{3}{4}$ poles to a stake, thence N. $86\frac{1}{4}^{\circ}$ W. 230 poles to a rock, thence N. $14\frac{1}{2}^{\circ}$ W. $8\frac{3}{4}$ poles to the beginning.

We then assigned to the heirs of Minerva Vermillion Deed, one seventh in value, in our judgment, in the lot marked No. 3, on the plat, estimated to contain $4\frac{1}{4}$ acres and bounded as follows: viz: Beginning at a rock and running thence with a line of the second lot S. $86\frac{1}{4}^{\circ}$ E. 230 poles to a stake on the bank of the river thence down the river $2\frac{3}{4}$ poles to a

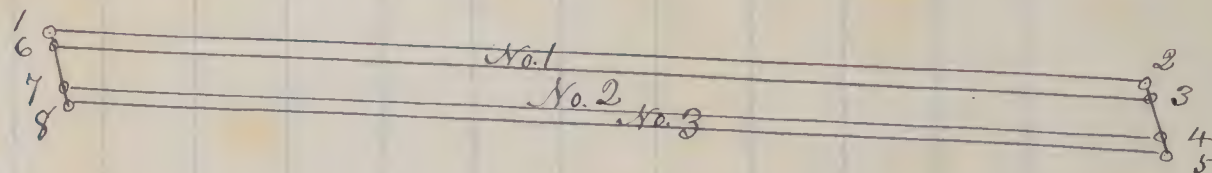
3)

dead hickory; thence N. $86\frac{1}{2}$ W. 230 poles with
McDowell's line to two hickories; thence
N. $14\frac{1}{2}$ W. 3 poles the the beginning.

At the suggestion of E. Davis he left it to
our unbiased judgment to make all the
partition lines above described, simply
running them where we directed and
when we were done, we all three concurred
in the opinion that we have done justice
to all parties as near as we knew
how. A fair plat of all may be
seen on next page.

All most respectfully submitted.

Eli Davis
Wright Stieckley
Geo. Holliday }
Commissioners.



N
Meridian line.
S

Com's' Charges:
E. Davis 1/2 days.
W. Stickley 1 "
Geo. Holiday 1 "

\$ 3.00
1.00
1.00
Total \$ 5.00

John M. Dowell

vs. } Common Pleas.

Harvey M. Hall vs.

Filed July 5th 1882

J. A. G. Hyatt
Clerk

Comproes \$5.00

Virginia.

In the Clerk's Office of the Circuit Court of
Lee County on Wednesday 11th January 1882.

John M^c Donnell - - - -

Plaintiff

vs

In Chancery

Harvey M. Hall et al

Defendants

The object of this suit is to have partition of the
land in the bill mentioned, being Lot No 6. of the
lands formerly owned by Robert Sims deceased,
between those entitled thereto, in proportion to their
respective interest therein. And it appearing
from an affidavit filed in this cause that
Glasgow J. Vermillion, Wm Vermillion, John Vermillion,
Elizabeth Vermillion, Martha Vermillion, Nancy Ver-
million, Erwin Vermillion and Georgian Vermillion
are non-residents of this State.

It is therefore ordered that they appear here
within One month after due publication of this
order and do what is necessary to protect their
interest in this suit.

I Copy Test: J. A. Hyatt Clerk

John A. Dowell

85 3/4 Cr. Pub.

H. H. Hull et al

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

Harvey M. Hall, George P. Vermillion, John Vermillion, Elizabeth Vermillion, Martha Vermillion, Nancy Vermillion, Edwin Vermillion, and Benjamin Vermillion

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

February next, being rule day to answer a bill in Chancery, exhibited in our said Court against
them by

John M. Corwell

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House
this *11th* day of *January* 1882; in the *106* year of the Commonwealth.

J. A. G. Hyatt CLERK,

Copy Teste J. A. G. Hyatt

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

*Harvey M. Hall, Charles J. Vermillion,
John Vermillion, Mrs. Vermillion, Elizabeth Vermillion,
Arthur Vermillion, Mary Vermillion, Edwin Vermillion,
and Georgianna Vermillion.*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

February next, being rule day to answer a bill in Chancery, exhibited in our said Court against

by

John M. Gammell

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this *15th* day of *January* 188*3* in the *10th* year of the Commonwealth.

J. A. G. Hyatt CLERK.

150

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7. 44

2. 50

94

(H M)

John M^c Dowell

vs³ S. M. in Chcy

Harvey M. Hall et al

To February Rules 1882

Executed by delivering
a copy of the within to the
wife of S. M. Hall and
explaining the same to her
he not being at the usual
place of his abode
Febry 1st 1882

Thos. S. Ely S. L. C.

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon,

Harvey M. Hall, ~~Congress~~ I.
Vermillion, Wm Vermillion, John Vermillion
Elizabeth Vermillion, Martha. Vermillion Nancy
Vermillion, Ervin Vermillion and Georgiann. Vermillion

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in February
next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them

by

John McDowell

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House
this 11th day of January 1882; in the 106 year of the Commonwealth.

A Copy Teste.

J. A. Hyatt CLERK.

J. A. Hyatt
Clerk

THE SENTINEL

DEMOCRATIC—SUBSCRIPTION, ONE DOLLAR AND FIFTY CENTS A YEAR.

FRED. R. STICKLEY, EDITOR AND PROPRIETOR

VIRGINIA:—In the Clerk's Office of the Circuit Court of Lee county, on Wednesday, January 11th, 1882.

John McDowell, Plaintiff, vs. Harvey M. Hall, et al., Defendants.—In Chancery.

The object of this suit is to have partitioned the land in the bill mentioned, being Lot No. 6 of the land formerly owned by Robert Sims deceased, between those entitled thereto, in proportion to their respective interest therein. And it appearing from an affidavit filed in this cause that Douglass I. Vermillion, Wm. Vermillion, John Vermillion, Elizabeth Vermillion, Martha Vermillion, Nancy Vermillion, Ervin Vermillion, and Georgia Ann Vermillion, are non-residents of the State of Virginia, it is therefore ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

A copy—teste:

J. A. G. HYATT, Clerk.

1882.

I hereby certify that a Chancery order in the Circuit Court of Lee County, of which the annexed is a copy was printed for successive weeks in the "Lee County Sentinel", a weekly newspaper published in the town of Newmarket County of Lee State of Virginia. Publication ending March 13th 1882

F. R. Stickley
Pubr.

Pub^l Certificate

McDowell
vs E. Archy
Waller